

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JUL 14 1999

PATRICK FISHER
Clerk

CORTEZ EDWARD WALKER,

Plaintiff - Appellant,

v.

ARISTEDES W. ZAVARAS, CARL
ZENON, DONICE NEAL, RANDY
FOSHEE, DENNIS BURBANK,
LARRY REID, VICKIE RIDDLE,
JUDY LINDSEY, JACKIE JONES, M.
WEBB, C. STARCER, J. LUSK, W.
LEHMAN, J. HALSTEAD, MIKE
VERRANO, D. DIEDRICH, L.
STOUDT, C. SHANNON., F.
RUYBALID, J. DALTON,

Defendants - Appellees.

No. 99-1192

(D. Colorado)

(D.C. No. 98-Z-1981)

ORDER AND JUDGMENT *

Before **ANDERSON** , **KELLY** , and **BRISCOE** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined
unanimously that oral argument would not materially assist the determination of

*This order and judgment is not binding precedent, except under the
doctrines of law of the case, res judicata, and collateral estoppel. The court
generally disfavors the citation of orders and judgments; nevertheless, an order
and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Pro se appellant Cortez Edward Walker, currently in the custody of the Colorado Department of Corrections at the Colorado State Penitentiary at Canon City, Colorado, appeals the dismissal of his civil rights action alleging various constitutional violations, including that he was denied access to the law library and the courts, that he was denied due process in an administrative segregation hearing, that he was denied freedom of speech, that prison authorities interfered with his legal mail, and that he was subject to retaliation for the exercise of his First Amendment rights. The district court dismissed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) as legally frivolous, and denied Mr. Walker's motion to proceed *in forma pauperis* on appeal.

Mr. Walker has filed several motions in this court: a motion entitled "Requesting a hearing for the Defendant's interfering with Plaintiff legal matters, and ask for a court order for more access to law-library" and a motion "Requesting that the Court of Appeals review the district court file in case numbers 97-S-2347 and 98-D-1981 to show cause." We have carefully reviewed the record and pleadings in this case, and, for substantially the reasons set forth in the district court's order dated April 9, 1999, we find Mr. Walker's claims to be meritless. Additionally, we conclude this appeal is frivolous and we therefore

DISMISS it pursuant to 28 U.S.C. § 1915(e)(2)(B). We deny his pending motions.

The district court's dismissal of the complaint and our dismissal of this appeal count as two strikes under 28 U.S.C. § 1915(g). See Jennings v. Natrona County Detention Ctr Med. Facility, 175 F.3d 775, ____ (10th Cir. 1999). Our own research of the record reveals that Mr. Walker has had at least two previous actions dismissed for failure to state a claim. Accordingly, he now has at least four strikes against him. We direct the clerk of this court not to accept from Mr. Walker any future filings of extraordinary writs in noncriminal matters or appeals of judgment in civil actions or proceedings unless he first pays the applicable filing fees, except in those instances that Mr. Walker's filings claim that he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

DISMISSED.

ENTERED FOR THE COURT

Stephen H. Anderson
Circuit Judge